APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,567	08/20/2001	Nick Steele	17331-0007	7300

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EXAMINER
ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
2168	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/933,567	Applicant(s) STEELE ET AL.
	Examiner Greta L. Robinson	Art Unit 2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 September 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-5,7-9,11-13 and 63-71* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-5,7-9,11-13 and 63-71* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. *20070212*.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

September 11, 2006 has been entered.

2.   Rejections and/or objections not reiterated from previous office actions are

hereby withdrawn. The following rejections and/or objections are newly applied. They

constitute the complete set presently being applied to the instant application.

3.   Applicant, Kerry L. Broome (registration no. 54,004), has authorized the following

Examiner's Amendment on November 13 and 17, 2006. The claims have been

amended as set forth below:

        Claims 14-19 and 21-62 have been cancelled.

IN THE CLAIMS

63.   (Currently Amended) A system comprising:

        a central data repository <u>operable</u> for receiving consumer information elements

from a host server and storing a plurality of branded information accounts, relating to a

plurality of different consumers, each branded information account comprising a plurality

of <u>said</u> consumer information elements, stored in a tagged data format, associated with a

consumer and an identification of a sponsor of the branded information account; [[and]]

the host server <u>configured</u> for managing communications between the central data

repository and network devices across a distributed network, <u>the network devices</u>

<u>comprising at least one client device and at least one vendor server, said client device</u>

<u>executing a browser for interacting with a web page file hosted by said vendor server,</u>

<u>wherein the vendor server is a member of an exchange comprising a logical grouping of</u>

<u>servers authorized to interact with one or more of the branded information accounts; and</u>

<u>wherein</u> said host server <s>being</s> <u>is further</u> configured to retrieve selected consumer

information elements from the central data repository in response to requests from the

network devices, and to transmit the selected consumer information elements across the

distributed network for use by the requesting network devices.

66.   (Currently Amended) The system of claim 63, wherein <s>at least one of</s> the <s>network</s>

<s>devices comprises a</s> client device <s>executing a browser for interacting with a web page file</s>

<s>hosted by a vendor server</s> <u>sends a request to the host server for retrieval of selected</u>

<u>consumer information elements from the central data repository</u>; <u>and</u>

<s>wherein the vendor server is a member of an exchange comprising a logical</s>

<s>grouping of servers authorized to interact with one or more of the branded information</s>

<s>accounts;</s>

wherein the host server is further configured to receive an exchange identifier for

identifying the exchange<s>, along with the consumer authentication information and the</s>

request for selected consumer information elements, and to authenticate the exchange

identifier to ensure that the exchange is authorized to interact with the branded

information account prior to releasing the selected consumer information elements to the

requesting network client device.

67.   (Currently Amended) The system of claim 63, wherein at least one of the network

devices comprises a vendor server interacting with a client device sends a request to the

host server for retrieval of selected consumer information elements from the central data

repository; and

        wherein the vendor server is a member of the exchange comprising a logical

grouping of servers authorized to interact with one or more of the branded information

accounts;

        wherein the means host server is further configured to submit receive an

exchange identifier for identifying the exchange, along with the consumer authentication

information and request for selected consumer information elements, and to authenticate

the exchange identifier to ensure that the exchange is authorized to interact with the

branded information account prior to releasing the consumer information elements to the

requesting network device vendor server.

4.   Claims 1, 3-5, 7-9, 11-13, and 63-71 are examined on the merits.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.   Claims 5, 7, and 8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

7.   Claims 5, 7, and 8 are rejected because the claimed computer readable medium embodies "a propagated signal transmission medium ... representing data and computer-executable instructions are transferred between network devices" (page 8). The signal transmission medium is not statutory because it does not fall within any of the four statutory classes of invention found in 35 USC 101.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9.   Claims 1, 4, 5, 8, 9, 12, 13, 63 and 65-69 are rejected under 35 U.S.C. 102(e) as being anticipated by Jenkins US Patent 6,285,983 B1.

CLAIM INTERPRETATIONS

10.   On page 5 of the specification, Applicant describes "a comprehensive information

profile disparate sets of consumer data preferably include those data repositories

prepared by consumer data collection companies such ACNielsen of Stamford, Conn.

And Information Resources, Inc. ("IRX") of Chicago, Ill. As well as many other third-

party data repositories ... unique identifier may comprise the consumer's name, phone

number, email address or any other suitable identifier" (column 4, lines 41-53).

Therefore, the disclosure of Jenkins has been reasonably interpreted as being a type of

"information accounts" as exemplified by Applicant.

11.   On pages 6-7, Applicant describes "An exchange ... refers to a group of entities

that are authorized to accept consumer information from the information account at the

request of the consumer." Jenkins discloses "the marketing system ... accesses data

from a wide range of data repositories 15, ... consumer profiles ... for example, include

e-commerce sites (e.g. Amazon.com or Cdnow)..." Further, "the consumer has provided

permission for the marketer to generate a message" based on the marketer's access to

the above repositories (column 7 lines 9-42). Therefore, the disclosure of Jenkins has

been reasonably interpreted as being a type of "exchange" as exemplified by Applicant.

12.   Figure 1 of Jenkins has been interpreted as a distributed network, and "dATA

REPOSITORIES" (block 15) has been reasonably interpreted as the required "central

data repository" because repositories 15 of these disparate sets of consumer data

preferably include those data repositories prepared by consumer data collection

companies such ACNielsen of Stamford, Conn. And Information Resources, Inc. ("IRX")

of Chicago, Ill.

PRIOR ART

13.   In regard to claims 1, 5, 9, and 13, Jenkins discloses a computer implemented

method, comprising the steps of:

Receiving consumer profile information over a distributed network at a host

server (**column 4, lines 41-49, column 7, lines 9-18, and Figure 1**);

Transferring the consumer profile information from the host server to a central

data repository for storage in a plurality of information accounts associated with a

plurality of different consumers, logically associated with a plurality of exchanges, each

information account associated with at least one exchange, wherein an exchange

comprises a group of one or more servers that are authorized and configured to accept

the consumer profile information from a particular information account at the request of

the consumer (**column 4, lines 41-49, column 6, lines 29-30, especially, "consumer**

response to offers", column 7 lines 9-18, especially, "from a wide range of data

repositories ... Amazon.com", and Figure 1, block 15);

Receiving requests from the exchange at the host server for consumer profile

information in specific information accounts (**column 5, lines 5-8, especially,**

"communicates the offer to an individual consumer ..." column 7 lines 19-42);

Responding to said requests by retrieving some or all of the consumer profile

information from said central data repository and conveying some or all of the consumer

profile information to the requesting exchange, provided that the information account

storing the consumer profile information is associated with the requesting exchange

(**column 5, lines 5-58, especially, "marketers may access ... consumer class**

records ... in the individual records database ... enables a marketer to initiate an

electronic offer ... directly to a group of individual consumers ...").

14.   In regard to claims 4, 8, and 11 Jenkins discloses requests are initiated from

activity at user computers in communication with the exchanges over the distributed

network (**as cited above, and Figure 1**).

15.   In regard to claim 63, (Currently Amended) A system comprising:

        a central data repository operable for receiving consumer information elements

from a host server and storing a plurality of branded information accounts, relating to a

plurality of different consumers, each branded information account (**column 5, line 14,**

especially, "preferred web portal" which is consistent with the exemplary

disclosure of "brand" on page 26, [088]) comprising a plurality of said consumer

information elements, stored in a tagged data format, associated with a consumer and

an identification of a sponsor of the branded information account (**column 4, lines 41-**

49, column 6, lines 29-30, column 7, lines 9-18, especially, "Amazon.com ...

Yahoo...", and Figure 1);

        the host server configured for managing communications between the central

data repository and network devices across a distributed network, the network devices

comprising at least one client device and at least one vendor server, said client device

executing a browser for interacting with a web page file hosted by said vendor server,

wherein the vendor server is a member of an exchange comprising a logical grouping of

servers authorized to interact with one or more of the branded information accounts

(column 6, line 66, to column 7, line 8, especially, "a web browser ... across the

Internet, an extranet, and virtual private network", and Figure 1); and

wherein said host server is further configured to retrieve selected consumer

information elements from the central data repository in response to requests from the

network devices, and to transmit the selected consumer information elements across the

distributed network for use by the requesting network devices **(column 5, lines 5-58,**

especially, "marketers may access ... consumer class records ... in the individual

records database ... enables a marketer to initiate an electronic offer ... directly to

a group of individual consumers ...").

16.   In regard to claims 65-69, Jenkins describe the claimed invention as cited above,

especially, the cited "extranet" and "virtual private network" **(column 7, lines 1-3)**.

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

18.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

19.   Claims 3, 7, 11, 64, 70, and 71 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jenkins US Patent 6,285,983 B1 as applied to claims 1, 4, 5, 8, 9,

12, 13, 63, and 65-69 above, and further inview of Bezos et al. US Patent

6,029,141A1(Bezos hereafter).

MOTIVATION TO COMBINE

20.   Jenkins describes an invention to provide real-time marketing systems for

creating marketing profiles by accessing data from a wide range of data repositories

comprising data from Amazon.com for example (**column 2 lines 30-34**). Bezos

describes Amazon.com with a registration process comprising marketing information

(Abstract etc.) to efficiently market and sell goods via a Web site (**column 1, lines 50-**

55). Therefore, one of ordinary skill in the art at the time of the invention would have

been motivated by Bezos to improve the system of Jenkins to efficiently market and sell

goods via a Web site.

PRIOR ART

21.   In regard to claim 64, Jenkins discloses the claimed invention except for the limitation of "a vendor or entity that facilitates creation of the branded information account by the consumer". Bezos describes the limitation of "a vendor or entity that facilitate creation of the branded information account by the consumer" (**Bezos et al., column 3, lines 8-25, column 6, lines 12-40 and column 9 lines 41-53**). Therefore, it would have been obvious to one of ordinary skill in the art to make and use the system of Jenkins with the vendor or entity that facilitate creation of the branded information account by the consumer of Bezos to efficiently market and sell goods via a Web site.

22.   In regard to claims 3, 7, 11, 70, and 71, Jenkins describes the claimed invention except for the limitation of "transaction log ... to allow for compensation ..." Bezos describes the "transaction log ... to allow for compensation ..." (**column 2, lines 48-65, especially "shopping cart maintains a record ... then uses the information collected within the shopping cart to identify, and appropriately identify the account", and column 7, lines 46-51, especially "monetary commissions" (percentage)**). Therefore, it would have been obvious to one of ordinary skill at the time of the invention to make and use the system of Jenkins with the "transaction log" of Bezos to efficiently market and sell goods via a Web site.
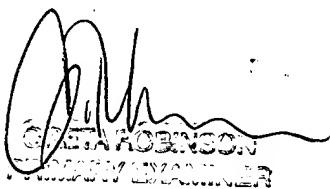
Conclusion

23.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Greta L. Robinson whose telephone number is
(571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the
organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
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USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Greta Robinson
Primary Examiner
February 13, 2007